1951.

File No. Merged States II/51 (N)

Legal Dept

B **BRANCH**

Subject:—

Notifications under the Merged States Act

P.T.O.

File No. Merged States II/51 (N)

Gen. 194 e.

387-B

OFFICE OF THE R.L.A.

The proposal to amend the Bombay Merged States Laws Act, 1950 for the purpose of inserting in the Schedule thereto section 29A of the Bombay Abkari Act, 1878, is not in order. The question of including section 29A of the Bombay Abkari Act in the Bombay Merged States Laws Ordinance, 1949, which was later on converted into the Bombay Merged States Laws Act, 1950, was considered and section 29A was not included wither in the Ordinance or the Act on the ground that the State Legislature had no competence to extend that Act to the merged States. The duties xxx referred to in section 29A of the Bombay Abkari Act, 1878, are duties with a respect to which the State Legislature has no competence to enact any law and accordingly, section 29A was omitted both from the Ordinance and the Act referred to above. It was, no doubt, open to the Central Legislature to extend section 29A to the merged States, but as will appear from the Government of India's letter No. 3108/49 dated 26th July 1949 the intention was to extend only important Acts and Ordinances to the merged States. In their subsequent letter of 21st November 1949 the Government of India made it clear that the Acts which were already applied to the merged States and not extended to them by the proposed legislation will not be affected. The position stated by the Governmeent of India is in conformity with the States Merger (Governer's Provinces Order, 1949. Para. 4 of that Order specifically provided that all the laws in force in the merged States or any part thereof immediately before the appointed day i.e. 1st August 1949 including Orders made under section 2 or section 4 of the Extra Provincial Jurisdiction Act, 1947, shall continue in force until repealed, modified or amended by a competent legislature or any other competent authority. The various application of Laws Orders issued under the Extra Provincial Jurisdiction Act had already applied section 29A of the Bombay Abkari Act to the merged States and in virtue of the provisions of para. 4 of the States Merger (Governor's Provinces) Order that section continues in force in the merged States. It is not, therefore, necessary to approach the Central Government to extend section 29A of the

Abkari Act to the merged States.

Sd/-J. ..Khurandhar,
13-3

O.C. Remembrancer of Legal Affairs.

U.R. to R.D.No. 4178, dated the 14th March 1951.

S.A.R.
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